

**Minutes for the State of North Carolina  
Forensic Science Advisory Board Meeting**

February 9, 2016

North Carolina State Crime Laboratory  
Raleigh, NC

**Board members present:** State Crime Laboratory (SCL) Director John Byrd, Kermit Channell (Chair), Adam Becnel, Michael Coble, Tracey Dawson Cruz, Demi Garvin, David Hinks, Mike Jiroutek, Tim Kupferschmid, Alka Lohmann (via telephone), Peter Marone, Christopher Palenik (via telephone), Bethany Pridgen, Deborah Radisch, Ronald Singer

**Board members not present:** Amanda Julian

**Others in attendance:** Rice Cox, John Dilday, Ann Hamlin, Aaron Joncich, Deena Koontz, Karen Morrow, Elizabeth Patel, Jennifer Remy, Joseph Reavis (via telephone), Timothy Suggs, Amanda Thompson, Pete Ware, Jody West (SCL); Sarah Olson (NC Center on Actual Innocence); Christy Agner, John Bason, Forensic Science Advisory Board Counsel Matthew Boyatt, North Carolina State Crime Lab Counsel William Hart (NC DOJ).

Meeting called to order at 1:11 PM. Motion to approve the minutes from the previous meeting was made by Peter Marone, seconded by Director Byrd, and approved unanimously.

**Director's Report**

Since December meeting, SCL reverted back to single accreditation. AG's decision, based on SCL recommendation. Will create additional efficiencies. ASCLD/LAB logo has been removed. Will renew single accreditation end of 2016/early 17.

Deputy AD and Forensic Advantage Manager John Dilday had no backup for his job. Suzie Barker was assisting John part-time, in addition to serving as Supervisor of the Evidence Control Unit. Suzie is now working fulltime assisting John and learning to back him up. Rice Cox is the new Supervisor and Chief Evidence Technician. Also have a new assistant in HR, re-allocated a position to make that slot. Aaron Joncich is new manager for Toxicology, now that Toxicology and Drug Chemistry have been split.

Now have 2 DNA Technical Leaders, one over DNA Database and one over Forensic Biology. Adding a break room for the lab, suggested by Retention Committee.

RE: Video Testimony, we're ready to hold a mock case in a courtroom in Greensboro. Cisco providing equipment for 30 days for the test run. Then they'll run a cost analysis to equip a few courtrooms in Asheville, Greensboro and Raleigh. (Chairman Channell says his area is using Go To Meeting in district court cases with a bench trail. Judges like it, helps clear their dockets. Good possible alternative for smaller areas that don't get the Cisco equipment.)

SCL will be getting under 20,000 cases soon, which cuts turnaround time. Have multiple grants identified, working on submissions.

New research project in DNA, in collaboration with NCSU. AG and Director co-wrote a letter of endorsement for NCSU's forensic science program. Lab will sponsor internships, research projects and

other collaborations with the new program. (Dr. Hinks thanked Director for the support.) SCL also still partnering with Campbell University and East Carolina.

SCL employees have been serving at Shepherd's House, to give back to the community.

Director: Asking you (FSAB) to send a letter of endorsement, to assist with getting money to pay for unfunded mandates including the FSAB itself, lab accreditation, employee certification, and Ombudsman. Those required items cost money that could be spent elsewhere. Have \$13.5 mill in equip inventory. Asking legislature to find a way to fund them, so the Director doesn't have to come back every year. Have suggested some options for that.

(Peter Marone: When you take equip that's supposed to last 5 years and stretch it to 7, and then it breaks, it might not be "supported" anymore.)

Director: We have several pieces that are over 10 years old and can't communicate directly with Forensic Advantage software, which adds unnecessary extra steps to lab work. Sheriffs are asking for funds for regional labs but there's not enough money to fund both SCL and those.

Supplies costs are greatly outstripping the supplies budget. SCL is pulling money from various sources to make up the difference. FSAB "in-person" meetings cost \$13,000, money that would otherwise be spent on supplies. SCL is competing against other agencies, all with legitimate needs. SCL is not included in the upcoming bond referendum.

DOJ audited "Receipt Funding" processes. It showed steep drop off in receipt dollars to SCL. Positions have been left vacant because of it. Fee receipts are dropping because judges often waive them, and when a fee is imposed, SCL can actually collect only \$33 of \$100, assuming they can pay. Budgeted for \$1 million from fees each year to fund 8 positions, and it isn't coming in. Shifting money around to deal with cash flow problems it creates. Hoping to eventually to move away from receipt-funded positions.

(Sarah Olson, NC Center on Actual Innocence: we also have receipt funding, and ours are dropping too.)

SCL has asked for a "Special Revenue Reserve Fund" that allows them to carry money over to the next fiscal year. Hard to get, and only a few agencies have it.

Assistant Director Deena Koontz: SCL is now under 10% in vacancy rate. The openings are spread around, not concentrated in any one area. Funds left over from last year's renovations will be used on 1<sup>st</sup> floor renovations in the SCL, starting in March in the Admin area, and Digital Evidence. SCL has applied to GCC for grants that do not require matching funds. Western Regional Lab is at 20% completion, and is on schedule to be completed in a year.

Western Regional Lab Director Joe Revis (by phone) provided an update, displaying slideshow showing progress. Roadway work, completed early, will facilitate construction.

Assistant Director Pete Ware: 23,374 pending cases as of last week, down from over 48,000 since beginning of 2014. Goal of being under 20,000 by April 1<sup>st</sup> will be difficult but we're getting there... its do-able. Old cases are a concern; tracking cases submitted prior to Jan 2015. Split of Toxicology and Drug Chemistry is shaking out and everyone is getting up to speed.

Director: Turnaround time numbers are still dropping although a little more slowly. As oldest cases drop off, turnaround time numbers will drop even more.

Drug Chemistry Forensic Science Manager Ann Hamlin: So far SCL has outsourced 1,636 Toxicology cases. All were blood drug cases. Shipped batch number 11 in February, will start shipping out “combo” cases (involving blood drug and alcohol) soon. Fifty-two counties are participating. Turnaround time is about 60 days, depending on the batch size. Stop-Work is being used to remove cases that aren’t really pending, before they are outsourced. Started sending spreadsheets of pending cases to prosecutors in September of 2015, asking them to make sure work was still needed. They have “pulled” (removed) over 7,000 cases after prosecutors reviewed the spreadsheets and identified cases that no longer needed to be worked.

Director: Peg Dorer, Executive Director of the Conference of District Attorneys asked DAs to review the spreadsheets. Included in the 52 are most of the large counties. Trying to get sheriffs, police chiefs and ADAs to understand that SCL can get “rush” cases done in fairly short order. A year ago SCL couldn’t handle all of the rush cases but can now, with sufficient notice.

Still need funding for outsourcing but not for much longer. Probably won’t need to do outsourcing after 2017 (partly because of people now being trained), unless people leave. Recent lab-wide salary adjustment will help minimize that turnover. Largest groups of trainees are in Forensic Biology, Toxicology, and Drug Chemistry. Turnaround times are as low as 47 days in specific disciplines although still longer than that in others.

The Board recessed at 2:06 pm for a break, and reconvened at 2:22 pm.

Director: Article 9 of the statute establishing FSAB requires board to assist with SCL Policies & Procedures (P&P). Needed an automated mechanism to facilitate that, and we will use SharePoint. Moving all internal shared folders to SharePoint. This will make it easier for FSAB members to access documents remotely. SharePoint allows “team discussion” site, no need for “Reply All” emails. This provides a way to document the feedback.

(Director displayed the splash page, gave a lengthy SharePoint demonstration, and provided a 1-page instructional sheet.)

Ability of board members to review “Official Policies & Procedures” information via SharePoint prior to FSAB meetings will make meetings more efficient. All are PDFs. Click to open, then save to your computer. Make notes, comments, suggestions, then email to [iso@ncdoj.gov](mailto:iso@ncdoj.gov). Will go to the Technical Leader, and be reviewed/included when the next edition is done.

Rather than making FSAB board members review proposed procedures and return comments in a short time frame, they will review newly publish procedures and those comments will be incorporated when the next version is being drafted. It’s usually 1 year between reviews. Information about the next scheduled review date is on the front page. Might consider starting with one or two sections.

Chairman Channell: This system will prove that we’ve done our due diligence. I think we need to be way ahead of the approval date on some of these. What do you think, RE what to review and when to review it?

Adam Becnel: It's a very good system and I know a lot of work went into it. But there's something missing to capture what the actual recommendations were, and then some communication of them. When comments come in via the email address, after they are adjudicated one way or the other, they should be put on the FSAB site, along with the outcome (adjudication) of each recommendation. "We disagree with the recommendation and here is why." Or, "We agree, and here is what it changes."

Chairman Channell: Do you want to start the process of looking at SOPs now or wait until (closer to) the August review date?

Tim Kupferschmid: Should we figure out what all of the SOPs are, and then figure out some kind of schedule? Better to knock it off in pieces because we can't do it all at once. Will take time and discipline.

Bethany Pridgen: Start sooner rather than later so it isn't so overwhelming.

Director: Maybe start with the ones that have recently had major revisions. They aren't due for revision for another year but after making those changes, we might want FSAB to look at them earlier rather than later. We've recently made some major changes in Toxicology and Biology, which go "live" in February. So that might be a place to start.

Ron Singer: But it's ok to go to the site and look around, start on others, right? Can you set end dates by which you want preliminary information?

Chairman: The first end date would be the next (teleconference) meeting, and the second end date would be our next face-to-face meeting. And work them in our breakout groups. Hopefully we will be able to have 2-day meeting, to facilitate this.

### **Reports from Section Interaction meetings held this morning:**

Peter Marone, **Latent Evidence**: Small problems, left unaddressed, grate on people. Perception in Latent is that DNA doesn't want to get around to working cases that are 2 or 3 section [multi-section] cases. Latent prints and Firearms priorities aren't DNA's priorities, because of the kinds of cases they are. The numbers aren't big, only 23 cases, but still. If those 23 cases could be worked, it would get this group out of 2014 and out of 2015 and way into now. It bothers them, and it shouldn't be that big of a deal to get it done. It's frustrating.

Chairman Channell: Sounds like a situation where a Lean Six Sigma approach might be helpful.

Demi Garvin, **Toxicology** group meeting: The bottleneck continues to be the point of case review for the section - that is where analysts are getting bogged down. Need to move away from the process by which that is currently being done... reviewing a massive amount of data that you then push out to stakeholders, who aren't looking at it and don't want to see it. If it is believed that they are looking at it and do want it, and that it's a game-changer to have it, document that via communication from the stakeholders. You have to have proof to support the report you push out, but to provide all of that data is unnecessary and it's weighing the process down.

Also, evaluate within the sections how to implement external training for personnel. External training is a commitment that SCL as an agency must make. Decisions on training should be tangible and concrete, and documented RE: who is going to get it. Employees shouldn't be expected to pay their own way, and

if they do they should get time off to go get it. Perhaps use annual evaluations to spell out who is going where, when. Also, need to evaluate who is a member of what entity, professional organization, etc.

The Journal of Forensic Sciences should be available to all personnel, but currently isn't. RE: Customer surveys, need to make sure the people filling them out are the right people. What kind of return rate (%) is SCL getting with the surveys? Is once a year enough? Finally, good to hear equipment upgrades are coming, definitely need to replace some instruments in Toxicology.

Adam Becnel – **Drug Chemistry** section: Analysts don't know why they have to do certain things and/or they do them "because the lawyers say so." Science shouldn't be subservient to the legal system, it should be the other way around. Examples: sampling policy, and some reports.

Don't know the reasons why management is doing what it is doing. Need to know criteria for Stop Work. Looking for what to change/implement/tweak, but don't feel they have the authority to do it/bring it up/suggest it. Also, unhappy to have to pay membership dues to professional organizations out of their own pockets.

Different sections have different goals.... 20/week, 30/week. They could be standardized. Staff & experience differences exist between them, but could be addressed. Goals should be uniform, across the board.

Tracey Dawson Cruz, **DNA** section: Identified good things and ongoing challenges, in no particular order: Reliance of receipts funding for critical needs of the unit, 2 frozen positions due to lack of funds. Also, a promotable position stalled because of that (lack of) funding. Lack of flexibility in application pool process...would save time to be able to pull candidates from previous pools instead of re-posting and having same people apply again. (Deena Koontz. says they are doing that.)

"Mixture interpretation" is a challenge here and everywhere and will be, ongoing. Under new rules, we're losing valuable info that could probably be interpreted. Also, need to address the issue of educating stakeholders about seeing different numbers in the probabilities than they were seeing before.

The biggest challenge identified was the lack of a plan for examiners and staff to have the external continuing education that provides crucial opportunities to network with others in the field.

Tim Kupferschmid added that, as Adam reported, there's a sense that lawyers are "wagging" the DNA unit, RE policies, setting priorities, etc.

Peter Marone: Do stakeholders understand you are constantly begging for money? Can there be a culture change, to raise awareness that accreditation, equipment, salaries, training... never stops? Doing it (SCL's work) "right" is expensive, and continuous. And you have to keep pushing forward.

Director: My predecessor Judge John worked on getting positions and salary adjustments. I'm focused on supplies, equip. and training and I have to repeat the message over and over again. Nothing in any of these comments so far surprised me. I need long term funding. Your letter can help. We get staff to all of the training that we can, but not to every one they want. Can't generally send people to Vegas or the west coast. We need to develop a long range plan, then pool resources to pay for it. AD Koontz has

found some grants that will help. I'm glad the staff felt comfortable enough to talk to you. I don't want FSAB to be seen as separate, but part of the team. If we can get funding to do 2-day meetings, we can socialize together and promote staff/board relationship. North Carolina is the only state crime lab with a forensic –focused advisory board. That's great. (Most states with advisory boards have non-scientific ones.)

Chairman Channell: The board's makeup (scientists) can be exploited to help SCL. The statute calls on us to help sustain these programs. That includes training, and we need to say so.

Bethany Pridgen: The statute requires FSAB to have members from all these different associations, it should be willing to pay for staff to attend meetings of those professional organizations, so staff can interact with those people.

Chairman Channell: A draft letter will be circulated, need to wrap it up by end of tomorrow so Director Byrd can take it to next legislative meeting later this week. We need to become a vocal board, to push for those financial changes so SCL isn't relying on receipts to fund positions.

Peter Marone moves that after board reviews the draft, the Chairman is authorized to sign and send it. Unanimous vote in favor.

Ron Singer, **Firearms**: Section feels they are the "stepchildren" in the lab. Training is the major issue with firearms. It is tied to certification, which takes longer and is more complicated than for other sections. Local, regional training is no substitute for national meetings. Staff knows that a suggestion has been floated that maybe they do the ABC General Knowledge Exam which is not appropriate. They need to be certified as Firearms Examiners. There is a lot of non-germane material in the ABC. Overall, the section needs to be brought up level with other sections.

One person said they would pay their own way to training but were told they couldn't have the time off. That needs to be re-examined. (Director says that's news to me, and we will follow up.)

There are some equipment issues. They would like to have a good camera. Also, revise SOP to change types of photos they take. They have some good ideas. RE: amount of data they are pushing out, every time they revise their notes it is a "new copy" and they end up with hundreds of copies but only one is the final complete version. Same with draft reports that end up in the file.

David Hinks, **Trace**: Our group had a good discussion. Could have used more time, we ran out. Many of same issues as other sections.

(Sidebar: RE earlier comments access to Journals, can get access via NCSU although archives of Journal of Forensic Science are only available on paper, not electronically.)

No procedures or testimony issues with this group. The team is rightfully proud of their reduction in backlog. New equipment was priority #1, training was #2. RE: training, suggested project - ID the current state, and the ideal state, for training for all sections with a yearly audit. Establish a plan for funding. Agrees with Ron Singer's comment RE: importance of attending national meetings. Leaders should go yearly. Research Triangle Institute (RTI) will be receptive to helping with training. NCSU is working on a funded graduate seminar. They will bring in people for that who might also be able to do a workshop at the crime lab while they are in town. Maybe offer slots to smaller labs, for a small fee, to help pay for it.

Trace feels like a stepchild, too! Develop an internal and external communications plan to proactively communicate the great professional work the various sections of the lab are doing. Highlight cases or honored individuals. Use Facebook and or LinkedIn.

Some people paid their own way to training which shows great professionalism, but it is wrong. Needs to change.

Chairman Channell: To share the spotlight around our lab, we have Grand Rounds each month so each section gets the opportunity to present an interesting case, or validation studies. It's open to the lab so people can come. Fun and interesting cases. Good internal education. Learn about cool things going on throughout the lab.

Tracey Dawson Cruz: Trace and Firearms should consider participating in Mid-Atlantic regional group. Very low fees (only \$35/year), and funding is available. They're looking for people to apply. There's a meeting in Richmond in May. Other organizations, including Potomac Regional DNA Symposium, are joining to cosponsor the meeting.

Peter Marone, **Digital**: Digital considers itself the redheaded stepchild of the lab. Subpoenas weren't brought up by staff in Digital, but there's an issue with long-term subpoenas. As much as a 3-month window and then they call on very short notice to say you have to be there in the AM. SCL staff needs more notice. Who has to advocate to fix that?

Director Byrd: Most of the 17 recommendations in the MOA we created with the School of Government are about getting SCL staff on and off of the stand ASAP, and it's working for the most part. Some ADAs need to be educated about the document their boss signed. We're working with stakeholders - ongoing education for them.

SCL Counsel William Hart: I can make a motion or raise an objection if I am aware of the situation. (of long term subpoenas.) There's a "reasonableness factor" that has to be taken into account.

Director Byrd: We can usually work it out once we're made aware of it. Staff needs to tell us when an issue comes up.

Sarah Olson, NC Center on Actual Innocence: Thanks to Director Byrd and SCL for increasing transparency, and thanks to FSAB and SCL for their work on reviewing procedures.

Director: Retention Committee, please schedule a good food truck when the board schedules its 2 day meeting. That will give the board additional time to interact with staff during lunch.

The Board set Thursday, May 5 at 1:00 pm for the next meeting.

The meeting adjourned at 4:11 pm.